

Notice of Allowability

Application No.

09/378,678

Examiner

Robert M. Pond

Applicant(s)

MCCARTY ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Board Decision (25 July 2005), Amendment (21 May 2007), Examiner's Amendment (20070731).
2. ☒ The allowed claim(s) is/are 6, 7, 9-29, 31, 32, and 40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 30 January 2002.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070731
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Robert M. Pond
Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Examiner's Note

As indicated by the Board decision entered 25 July 2005, the Examiner was affirmed in-part. By amendment, reversed claim 8 was incorporated into claim 1 to created newly added claim 40.

Authorization

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jonathan Jobe, #28,429 on 31 July 2007.

Claims Allowed

Claims 6, 7, 9-29, 31, 32, and 40 entered 21 May 2007 are allowed. Claims 1-5, 8, 30, and 33-39 were canceled.

In the Claims

The claims have been amended as follows:

- Claim 12, claim line 3, before "recipients" insert therefore: - -of- -

- Claim 13, claim line 2, delete "designate" and insert therefore:
- -designated- -

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The claimed invention relates generally to the field of electronic commerce, and more particularly to a computer implemented method for delivering combined social expression card and gift certificates to designated recipients. The prior art of record neither discloses alone nor in combination with prior art the claimed invention. The claimed invention provides a convenient way for a user to combine a greeting card with a gift certificate for each designated recipient among a plurality of designated recipients. The prior art of record required single selection and exit from the service.

Closest US Patent- Small (US 5,513,117)

Small teaches a system and method for designing personalized greeting cards, selecting gifts and gift amounts from a menu, and printing and mailing the personalized greeting card and gift. Small teaches remote customers using personal computers connected to the greeting card and gift central computer via the public telephone network to preview gift card designs, select a card design for a recipient, select a gift certificate from a number of participating listed merchants, optionally personalize the combined card and gift with graphics and

text, have it printed and mailed to the recipient's physical address or have it electronically mailed to the recipient, and pay electronically with a credit card.

As indicated by the Board decision entered 25 July 2005, the Examiner was reversed on claim 8 now incorporated into allowed independent claim 40. Small neither discloses nor teaches and suggest "in response to user selection of a merchant from said list of merchants, prompting said remotely located user to designate a number of combined social expression card and gift certificates from said selected merchant to be delivered."

Forward and backward citations of Small fail to produce prior art that disclose or teach and suggest the claimed invention.

Closest Non-patent Literature

Borders.com (PTO-892, Items : U-X & U (page 2)

Borders.com teaches an online retail outlet for buying gift certificates and further teaches web links to retail store locations organized by state, locality within each state, and hours of operation.

Borders.com neither discloses alone nor teaches and suggests in combination with Small "in response to user selection of a merchant from said list of merchants, prompting said remotely located user to designate a number of combined social expression card and gift certificates from said selected merchant to be delivered."

PR Newswire (PTO-892, Item: V (page 2))

PR Newswire teaches online gift giving through Nordstrom's website at www.nordstrom.com. Built-in conveniences for customers include a multiple shipping feature that allows customers to ship their orders to different addresses across the country in a single order. Gift orders can be boxed and shipped directly to multiple recipients (\$4.00 per gift boxes) or a customer may choose to receive their gift purchases with complimentary flat gift boxes to make personal deliveries (see page 1). PR Newswire further teaches a) customers using the online locator to find stores by state or zip code to get map directions to store locations within the selected state, b) customers registering on the site and using a personal address book to record addresses and phone numbers of friends and family, and c) taking advantage of the gift reminder service to set up personal email reminders for themselves for special dates and occasions. PR Newswire teaches registered customers accessing a complete history of their previous online purchases at any time.

As indicated by the Board decision entered 25 July 2005, PR Newswire neither discloses alone nor teaches and suggests in combination with Small and Boarders.com "in response to user selection of a merchant from said list of merchants, prompting said remotely located user to designate a number of combined social expression card and gift certificates from said selected merchant to be delivered."

Closest Foreign Patents

Foreign patents or foreign patent applications were not cited during the course of prosecution. Pertaining to the allowable subject matter and the allowed independent claim as a whole, no foreign documents were identified in forward and backward citations of the closest prior art Small or other cited prior art from the most recent search update conducted on 31 July 2007.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
July 31, 2007